

(March 13, 1995)
Requirement For Affirmative Action to Ensure Equal Employment Opportunity
(Executive Order 11246)

1. The Contractor's attention is called to the Equal Opportunity Clause and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each construction craft and in each trade on all construction work in the covered area, are as follows:

Women - Statewide

<u>Timetable</u>	<u>Goal</u>
Until further notice	6.9%

Minorities - by Standard Metropolitan Statistical Area (SMSA)

Spokane, WA:

SMSA Counties:

Spokane, WA	2.8
WA Spokane.	

Non-SMSA Counties

3.0

WA Adams; WA Asotin; WA Columbia; WA Ferry; WA Garfield; WA Lincoln, WA Pend Oreille; WA Stevens; WA Whitman.

Richland, WA

SMSA Counties:

Richland Kennewick, WA	5.4
WA Benton; WA Franklin.	

Non-SMSA Counties

3.6

WA Walla Walla.

Yakima, WA:

SMSA Counties:

Yakima, WA	9.7
WA Yakima.	

Non-SMSA Counties

7.2

WA Chelan; WA Douglas; WA Grant; WA Kittitas; WA Okanogan.

Seattle, WA:

SMSA Counties:

Seattle Everett, WA	7.2
WA King; WA Snohomish.	

Tacoma, WA

6.2

WA Pierce.

Non-SMSA Counties

6.1

WA Clallam; WA Grays Harbor; WA Island; WA Jefferson; WA Kitsap; WA Lewis; WA Mason; WA Pacific; WA San Juan; WA Skagit; WA Thurston; WA Whatcom.

Portland, OR:

SMSA Counties:

Portland, OR-WA

4.5

WA Clark.

Non-SMSA Counties

3.8

WA Cowlitz; WA Klickitat; WA Skamania; WA Wahkiakum.

These goals are applicable to each nonexempt Contractor's total on-site construction workforce, regardless of whether or not part of that workforce is performing work on a Federal, federally assisted or nonfederally related project, contract or subcontract until further notice.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, in each construction craft and in each trade, and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goal shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Engineer within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the contract is to be performed.
4. As used in this Notice, and in the contract resulting from this solicitation, the Covered Area is as designated herein.

Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

1. As used in these specifications:
 - a. Covered Area means the geographical area described in the solicitation from which this contract resulted;
 - b. Director means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
 - c. Employer Identification Number means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U. S. Treasury Department Form 941;
 - d. Minority includes:

- 1 (1) Black, a person having origins in any of the Black Racial Groups of
2 Africa.
- 3
- 4 (2) Hispanic, a fluent Spanish speaking, Spanish surnamed person of
5 Mexican, Puerto Rican, Cuban, Central American, South American,
6 or other Spanish origin.
- 7
- 8 (3) Asian or Pacific Islander, a person having origins in any of the
9 original peoples of the Pacific rim or the Pacific Islands, the
10 Hawaiian Islands and Samoa.
- 11
- 12 (4) American Indian or Alaskan Native, a person having origins in any
13 of the original peoples of North America, and who maintain cultural
14 identification through tribal affiliation or community recognition.
- 15
- 16 2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a
17 portion of the work involving any construction trade, it shall physically include
18 in each subcontract in excess of \$10,000 the provisions of these
19 specifications and the Notice which contains the applicable goals for minority
20 and female participation and which is set forth in the solicitations from which
21 this contract resulted.
- 22
- 23 3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown
24 Plan approved by the U.S. Department of Labor in the covered area either
25 individually or through an association, its affirmative action obligations on all
26 work in the Plan area (including goals and timetables) shall be in accordance
27 with that Plan for those trades which have unions participating in the Plan.
28 Contractors must be able to demonstrate their participation in and
29 compliance with the provisions of any such Hometown Plan. Each
30 Contractor or Subcontractor participating in an approved Plan is individually
31 required to comply with its obligations under the EEO clause, and to make a
32 good faith effort to achieve each goal under the Plan in each trade in which it
33 has employees. The overall good faith performance by other Contractors or
34 Subcontractors toward a goal in an approved Plan does not excuse any
35 covered Contractor's or Subcontractor's failure to take good faith effort to
36 achieve the Plan goals and timetables.
- 37
- 38 4. The Contractor shall implement the specific affirmative action standards
39 provided in paragraphs 7a through 7p of this Special Provision. The goals
40 set forth in the solicitation from which this contract resulted are expressed as
41 percentages of the total hours of employment and training of minority and
42 female utilization the Contractor should reasonably be able to achieve in
43 each construction trade in which it has employees in the covered area.
44 Covered construction contractors performing construction work in
45 geographical areas where they do not have a Federal or federally assisted
46 construction contract shall apply the minority and female goals established
47 for the geographical area where the work is being performed. The Contractor
48 is expected to make substantially uniform progress in meeting its goals in
49 each craft during the period specified.
- 50
- 51 5. Neither the provisions of any collective bargaining agreement, nor the failure
52 by a union with whom the Contractor has a collective bargaining agreement,
53 to refer either minorities or women shall excuse the Contractor's obligations
54 under these specifications, Executive Order 11246, or the regulations
55 promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.
7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its action. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:
 - a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.
 - b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.
 - c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.
 - d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.
 - e. Develop on-the-job training opportunity and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the U.S. Department of Labor. The

- 1 Contractor shall provide notice of these programs to the sources
2 compiled under 7b above.
3
- 4 f. Disseminate the Contractor's EEO policy by providing notice of the
5 policy to unions and training programs and requesting their cooperation
6 in assisting the Contractor in meeting its EEO obligations; by including it
7 in any policy manual and collective bargaining agreement; by publicizing
8 it in the company newspaper, annual report, etc.; by specific review of
9 the policy with all management personnel and with all minority and
10 female employees at least once a year; and by posting the company
11 EEO policy on bulletin boards accessible to all employees at each
12 location where construction work is performed.
13
- 14 g. Review, at least annually, the company's EEO policy and affirmative
15 action obligations under these specifications with all employees having
16 any responsibility for hiring, assignment, layoff, termination or other
17 employment decisions including specific review of these items with on-
18 site supervisory personnel such as Superintendents, General Foremen,
19 etc., prior to the initiation of construction work at any job site. A written
20 record shall be made and maintained identifying the time and place of
21 these meetings, persons attending, subject matter discussed, and
22 disposition of the subject matter.
23
- 24 h. Disseminate the Contractor's EEO policy externally by including it in any
25 advertising in the news media, specifically including minority and female
26 news media, and providing written notification to and discussing the
27 Contractor's EEO policy with other Contractors and Subcontractors with
28 whom the Contractor does or anticipates doing business.
29
- 30 i. Direct its recruitment efforts, both oral and written to minority, female and
31 community organizations, to schools with minority and female students
32 and to minority and female recruitment and training organizations serving
33 the Contractor's recruitment area and employment needs. Not later than
34 one month prior to the date for the acceptance of applications for
35 apprenticeship or other training by any recruitment source, the
36 Contractor shall send written notification to organizations such as the
37 above, describing the openings, screening procedures, and tests to be
38 used in the selection process.
39
- 40 j. Encourage present minority and female employees to recruit other
41 minority persons and women and where reasonable, provide after
42 school, summer and vacation employment to minority and female youth
43 both on the site and in other areas of a Contractor's work force.
44
- 45 k. Validate all tests and other selection requirements where there is an
46 obligation to do so under 41 CFR Part 60-3.
47
- 48 l. Conduct, at least annually, an inventory and evaluation of all minority
49 and female personnel for promotional opportunities and encourage these
50 employees to seek or to prepare for, through appropriate training, etc.,
51 such opportunities.
52
- 53 m. Ensure that seniority practices, job classifications, work assignments
54 and other personnel practices, do not have a discriminatory effect by
55 continually monitoring all personnel and employment related activities to

- 1 ensure that the EEO policy and the Contractor's obligations under these
2 specifications are being carried out.
3
- 4 n. Ensure that all facilities and company activities are nonsegregated
5 except that separate or single-user toilet and necessary changing
6 facilities shall be provided to assure privacy between the sexes.
7
- 8 o. Document and maintain a record of all solicitations of offers for
9 subcontracts from minority and female construction contractors and
10 suppliers, including circulation of solicitations to minority and female
11 contractor associations and other business associations.
12
- 13 p. Conduct a review, at least annually, of all supervisors' adherence to and
14 performance under the Contractor's EEO policies and affirmative action
15 obligations.
16
- 17 8. Contractors are encouraged to participate in voluntary associations which
18 assist in fulfilling one or more of their affirmative action obligations (7a
19 through 7p). The efforts of a contractor association, joint contractor-union,
20 contractor-community, or other similar group of which the Contractor is a
21 member and participant, may be asserted as fulfilling any one or more of the
22 obligations under 7a through 7p of this Special Provision provided that the
23 Contractor actively participates in the group, makes every effort to assure
24 that the group has a positive impact on the employment of minorities and
25 women in the industry, ensure that the concrete benefits of the program are
26 reflected in the Contractor's minority and female work-force participation,
27 makes a good faith effort to meet its individual goals and timetables, and can
28 provide access to documentation which demonstrate the effectiveness of
29 actions taken on behalf of the Contractor. The obligation to comply, however,
30 is the Contractor's and failure of such a group to fulfill an obligation shall not
31 be a defense for the Contractor's noncompliance.
32
- 33 9. A single goal for minorities and a separate single goal for women have been
34 established. The Contractor, however, is required to provide equal
35 employment opportunity and to take affirmative action for all minority groups,
36 both male and female, and all women, both minority and nonminority.
37 Consequently, the Contractor may be in violation of the Executive Order if a
38 particular group is employed in substantially disparate manner (for example,
39 even though the Contractor has achieved its goals for women generally, the
40 Contractor may be in violation of the Executive Order if a specific minority
41 group of women is underutilized).
42
- 43 10. The Contractor shall not use the goals and timetables or affirmative action
44 standards to discriminate against any person because of race, color, religion,
45 sex, or national origin.
46
- 47 11. The Contractor shall not enter into any subcontract with any person or firm
48 debarred from Government contracts pursuant to Executive Order 11246.
49
- 50 12. The Contractor shall carry out such sanctions and penalties for violation of
51 these specifications and of the Equal Opportunity Clause, including
52 suspensions, terminations and cancellations of existing subcontracts as may
53 be imposed or ordered pursuant to Executive Order 11246, as amended, and
54 its implementing regulations by the Office of Federal Contract Compliance
55 Programs. Any Contractor who fails to carry out such sanctions and

- 1 penalties shall be in violation of these specifications and Executive Order
2 11246, as amended.
3
- 4 13. The Contractor, in fulfilling its obligations under these specifications, shall
5 implement specific affirmative action steps, at least as extensive as those
6 standards prescribed in paragraph 7 of this Special Provision, so as to
7 achieve maximum results from its efforts to ensure equal employment
8 opportunity. If the Contractor fails to comply with the requirements of the
9 Executive Order, the implementing regulations, or these specifications, the
10 Director shall proceed in accordance with 41 CFR 60-4.8.
11
- 12 14. The Contractor shall designate a responsible official to monitor all
13 employment related activity to ensure that the company EEO policy is being
14 carried out, to submit reports relating to the provisions hereof as may be
15 required by the government and to keep records. Records shall at least
16 include, for each employee, their name, address, telephone numbers,
17 construction trade, union affiliation if any, employee identification number
18 when assigned, social security number, race, sex, status (e.g., mechanic,
19 apprentice, trainee, helper, or laborer), dates of changes in status, hours
20 worked per week in the indicated trade, rate of pay, and locations at which
21 the work was performed. Records shall be maintained in an easily
22 understandable and retrievable form; however, to the degree that existing
23 records satisfy this requirement, the Contractors will not be required to
24 maintain separate records.
25
- 26 15. Nothing herein provided shall be construed as a limitation upon the
27 application of other laws which establish different standards of compliance or
28 upon the application of requirements for the hiring of local or other area
29 residents (e.g., those under the Public Works Employment Act of 1977 and
30 the Community Development Block Grant Program).